



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 23, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0089

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties 6. Employees May Use Discretion	Not Sustained - Unfounded

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that Named Employee #1 (NE#1)—an unknown Seattle Police Department (SPD) officer—participated in a search warrant raid at the Complainant's home in Phoenix, Arizona, damaging her vehicle and items in her home. The Complainant also alleged that NE#1 took items beyond the search warrant's scope and tried persuading the Complainant to lie about "an open case."

ADMINISTRATIVE NOTE:

On July 5, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA opened an investigation, reviewing the complaint, Federal Bureau of Investigation (FBI) report, and email correspondence. OPA also interviewed the Complainant.

A. OPA Complaint

The complaint made several allegations. First, the Complainant alleged that SPD and the FBI arrived at her Phoenix home with a search warrant, "crashed into the rear of [her] vehicle," and "smashed every single camera outside of [her] home and inside." Second, the Complainant alleged that SPD and the FBI took her phone, cash, and vehicle, items not listed in the warrant. Third, the Complainant alleged that SPD told the Complainant that she was arrested for a warrant in Arizona and that when they arrived at a police department, "they started to try and persuade [her] into saying certain things about an open case." The Complainant said she was held for hours while SPD tried to get her to lie.



B. Federal Bureau of Investigation (FBI) Report

OPA reviewed the FBI report, documenting the following:

On December 1, 2022, “FBI Phoenix SWAT” executed a search warrant at the Complainant’s home in Phoenix, Arizona. The FBI also had a search warrant for the Complainant’s vehicle.

FBI Phoenix SWAT drove a BearCat armored vehicle. The Complainant’s car was parked in her driveway. SWAT extended the BearCat’s boom to push the Complainant’s vehicle from its path, damaging the Complainant’s trunk area. FBI Phoenix SWAT surrounded the residence and announced their presence and warrant execution. The Complainant exited the home while on a cell phone. She was ordered to place it on the hood of her vehicle. The Complainant was then handcuffed. After FBI Phoenix SWAT executed the search warrants, Special Agent #1 (SA#1) took operational control of the scene.

The Complainant was brought to a Phoenix Police Department (PPD) station for an active prostitution-related arrest warrant. SA#1 and Witness Officer #1 (WO#1)—a PPD detective—interviewed the Complainant. SA#1 requested that the Complainant not be arrested on the outstanding warrant. The Complainant was informed that the warrant would still be active unless she were to notify law enforcement that the underlying crime occurred due to force, fraud, or coercion by another individual. The Complainant was returned to her home following an interview.

C. Email Correspondence

OPA contacted SA#1. OPA asked whether SPD officers were involved in the warrant execution. SA#1 confirmed that no SPD personnel executed the warrant or interviewed the Complainant. SA#1 wrote, “FBI Phoenix SWAT executed the service portion of the warrant,” and “No SPD personnel assisted in the interview of [the Complainant].”

D. OPA Interview

OPA interviewed the Complainant. The Complainant said the FBI conducted a raid on her home, and her complaint was about how they went about it. She reported that the FBI, “Arizona Police,” and SPD were present. She said the officers initially refused to show proof of a warrant but left her with a copy later. She also said the officers unnecessarily destroyed property and took additional property not listed on the warrant.

The Complainant said she was transported to a Phoenix police station. She said she was approached by one or more SPD officers who wanted her to provide information about an incident in Seattle. She did not know the officers’ names but said they introduced themselves as SPD officers. The Complainant said the SPD officers’ questions concerned a November 2022 arrest in Seattle. She indicated that the FBI could have questioned her while the SPD officers were present.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

The Complainant alleged NE#1 participated in a search warrant raid at her home that resulted in damaged property and tried to get her to lie about “an open case.”

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.* Additionally, employees must “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.* “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” *Id.* Last, the policy states that Department employees, while on duty or in uniform, will not publicly ridicule “the Department or its policies, other Department employees, other law enforcement agencies, the criminal justice system or police profession. This applies where such expression is defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.” *Id.*

Here, there is no corroboration that SPD personnel participated in the search warrant execution or the Complainant’s interview at the PPD station. The FBI report did not document SPD involvement. SA#1 also confirmed that “FBI Phoenix SWAT executed the service portion of the warrant.” OPA finds that, more likely than not, SPD officers were uninvolved with the search warrant execution at the Complainant’s home and, so, did not damage her property.

The FBI report documented that an FBI special agent and a PPD detective interviewed the Complainant. The FBI report did not indicate that an SPD officer interviewed the Complainant or was in the interview room. SA#1 also confirmed that “No SPD personnel assisted in the interview of [the Complainant].” Although the Complainant said officers identified themselves as SPD officers at her interview, she later expressed doubt about her recollection, saying that the FBI could have been questioning her while SPD officers were present. OPA finds that, more likely than not, SPD officers did not participate in the Complainant’s interview and, so, did not try to persuade her to lie about “an open case.”

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 6. Employees May Use Discretion

The Complainant alleged NE#1 took items not allowed by the search warrant.

As indicated in SPD Policy 5.001-POL-6, “Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” This policy further states, “Discretion is proportional to the severity of the crime or public safety issue being addressed.” *Id.*



Here, as described in Named Employee #1 – Allegation #1, SPD officers did not participate in the execution of the search warrant at the Complainant’s home. Therefore, NE#1 could not have taken items not allowed by the search warrant.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**